United Nations A/C.3/71/L.20/Rev.1

General Assembly

Distr.: Limited
17 November 2016

Original: English

Seventy-first session

Third Committee

Agenda item 64 (a)

Promotion and protection of the rights of children: promotion and protection of the rights of children

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Rights of the child

The General Assembly,

Reaffirming the importance of its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child,[1] which constitutes the standard in the promotion and protection of the rights of the child, reaffirming also that States parties to the Convention shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized therein, while bearing in mind the importance of the Optional Protocols to the Convention[2] and calling for their universal ratification and effective implementation, as well as that of other human rights instruments,

[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[2] Ibid., vols. 2171 and 2173, No. 27531; and resolution 66/138, annex.

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Reaffirming also all of its previous resolutions on the rights of the child, the most recent of which was resolution 70/137 of 17 December 2015, and all other relevant resolutions, including 69/158 of 18 December 2014 on protecting children from bullying and 69/187 of 18 December 2014 on migrant children and adolescents,

Reaffirming further the Universal Declaration of Human Rights,[3] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, including that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Recalling the International Covenant on Civil and Political Rights,[4] the International Covenant on Economic, Social and Cultural Rights,[3] the Convention on the Rights of Persons with Disabilities,[5] the International Convention for the Protection of All Persons from Enforced Disappearance,[6] the 1951 Convention relating to the Status of Refugees[7] and the 1967 Protocol thereto,[8] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[9] the United Nations Convention against Transnational Organized Crime[10] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[11] the Convention on the Elimination of All Forms of Discrimination against Women[12] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[13]

Reaffirming that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation and survival and development, provide the framework for actions concerning children,

Reaffirming also the Vienna Declaration and Programme of Action,[14] the United Nations Millennium Declaration[15] and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[16] recalling the Beijing Declaration and Platform for Action,[17] the Programme of Action of the International Conference on Population and

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[3] Resolution 217 A (III).
[4] See resolution 2200 A (XXI), annex.
[5] United Nations, *Treaty Series*, vol. 2515, No. 44910.
[6] Ibid., vol. 2716, No. 48088.
[7] Ibid., vol. 189, No. 2545.
[8] Ibid., vol. 606, No. 8791.
[9] Ibid., vol. 2220, No. 39481.
[10] Ibid., vol. 2225, No. 39574.
[11] Ibid., vol. 2237, No. 39574.
[12] Ibid., vol. 1249, No. 20378.
[13] Ibid., vol. 1465, No. 24841.
[14] A/CONF.157/24 (Part I), chap. III.
[15] Resolution 55/2.
[16] Resolution S-27/2, annex.
[17] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

Development[18] and the outcome documents of their review conferences, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development,[19] the Declaration on Social Progress and Development,[20] the Universal Declaration on the Eradication of Hunger and Malnutrition,[21] the United Nations Declaration on the Rights of Indigenous Peoples[22] and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[23] the Declaration on the Right to Development,[24] the Declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children, held in New York from 11 to 13 December 2007,[25] the outcome document, entitled "The future we want", adopted at the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012,[26] and the outcome document of the third Global Conference on Child Labour, held in Brasilia from 8 to 10 October 2013, and recalling also the World Congresses against Sexual Exploitation of Children and Adolescents, the Global Action Programme on Education for Sustainable Development[27] and the World Education Forum 2015, held in Incheon, Republic of Korea, from 19 to 22 May 2015,

Underscoring the importance of the implementation of the 2030 Agenda for Sustainable Development[28] in ensuring the enjoyment of the rights of the child,

Welcoming other international, regional and bilateral partnerships to advance the protection of the rights of the child, including the Global Partnership to End Violence against Children, and recognizing that relevant multi-stakeholder coalitions are important to effectively promote and protect the rights of the child,

Taking note of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly[29] and on the status of the Convention on the Rights of the Child and the issues addressed in Assembly resolution 70/137,[30] as well as the report of the Special Representative of the Secretary-General on Violence against Children,[31] the report of the Special Representative of the Secretary-General for Children and Armed Conflict[32] and the report of the Special Rapporteur of the Human Rights Council on the sale of children, child prostitution

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[18] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No.E.95.XIII.18), chap. I, resolution 1, annex.

[19] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No.E.96.IV.8), chap. I, resolution 1, annexes I and II.

[20] See resolution 2542 (XXIV).

[21] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No.E.75.II.A.3), chap. I.

[22] Resolution 61/295, annex.

[23] Resolution 69/2.

[24] Resolution 41/128, annex.

[25] Resolution 62/88.

[26] Resolution 66/288, annex.

[27] See A/69/76, annex, enclosure 2.

[28] Resolution 70/1.

[29] A/71/175.

[30] A/70/315.

[31] A/71/206.

[32] A/71/205.

and child pornography,[33] whose recommendations should be carefully studied, taking fully into account the views of Member States,

Reaffirming that States have the primary responsibility to respect, promote and protect all human rights and fundamental freedoms, including the rights of the child,

Acknowledging the important role played by national governmental and local structures for children, including, where they exist, ministries and institutions in charge of child, family and youth issues and independent ombudspersons for children or other national institutions for the promotion and protection of the rights of the child,

Recognizing that the family has the primary responsibility for the nurturing and protection of children, in the best interests of the child, and that children, for the full and harmonious development of their personality, should grow up in a family environment and in an atmosphere of happiness, love and understanding,

Noting with appreciation the work to promote and protect the rights of the child carried out by all relevant organs, bodies, entities and organizations of the United Nations system, within their respective mandates, by relevant mandate holders and special procedures of the United Nations and by relevant regional organizations, where appropriate, and intergovernmental organizations, and recognizing the valuable role of civil society, including non-governmental organizations,

Profoundly concerned that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, non-communicable diseases, lack of access to safe drinking water and sanitation, environmental damage, climate change, natural disasters, armed conflict, foreign occupation, displacement, violence, terrorism, abuse, all forms of exploitation, including for the purposes of commercial sexual exploitation of children, such as child prostitution, child pornography and other sexual abuse material, child sex tourism and child sexual exploitation in travel and trafficking in children, including for the purpose of organ removal and for the transfer of organs of the child for profit, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Profoundly concerned also that the situation of children in many parts of the world remains negatively affected by the prolonged effects of the world financial and economic crisis, poverty and inequality, reaffirming that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, recognizing its impact beyond the socioeconomic context and the intrinsic interlinkage between poverty eradication and the promotion of sustainable development, in this regard underlining the importance of the implementation of the 2030 Agenda for Sustainable Development, and recognizing that a strong focus is needed on poverty, deprivation and inequality to prevent and protect children from

[33] A/71/261.

all forms of violence and to promote the resilience of children, their families and communities,

Expressing deep concern that, despite the recognition of the right of the child to express his or her views freely on all matters affecting him or her, with his or her views given due weight in accordance with the age and maturity of the child, children are still seldom seriously consulted and involved in such matters owing to a variety of constraints and impediments and that the full implementation of this right has yet to be fully realized,

Deeply concerned that children disproportionately suffer the consequences of discrimination, exclusion, inequality and poverty,

Deeply concerned also that approximately 5.9 million children under the age of 5 die each year, mostly from preventable and treatable causes, owing to inadequate or lack of access to integrated and quality sexual, reproductive and maternal health-care services, as well as newborn and child health care and services, early childbearing, as well as lack of access to health determinants, such as safe drinking water and sanitation, safe and adequate food and nutrition, including breastfeeding, and that mortality remains highest among children belonging to the poorest and most marginalized communities,

Recognizing that the risk of maternal mortality is highest for girls under 15 years of age and that complications in pregnancy and childbirth are a leading cause of death among girls under 15 years of age in many countries,

I
Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Reaffirms* paragraphs 1 to 10 of its resolution 68/147 of 18 December 2013, urges States that have not yet done so to consider acceding to the Convention on the Rights of the Child[1] and to the Optional Protocols thereto[2] as a matter of priority and to implement them effectively and fully, and encourages further efforts by the Secretary-General in this regard;

2. *Notes* the entry into force on 14 April 2014 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,[14] and calls upon States to consider its accession, ratification and implementation;

3. *Urges* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;[14]

4. *Welcomes* the work of the Committee on the Rights of the Child, and, taking into account the adoption of its general comments and its actions to follow up on its concluding observations on the implementation of the Convention and recommendations, calls upon all States to strengthen their cooperation with the Committee, to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines

[14] Resolution 66/138, annex.

elaborated by the Committee, and to take into account its recommendations, observations and general comments on the implementation of the Convention;

5. *Also welcomes* the attention paid to the rights of the child by the Special Representatives of the Secretary-General on Violence against Children and for Children and Armed Conflict and the Special Rapporteur of the Human Rights Council on the sale of children, child prostitution and child pornography, and, in this regard, their contribution to the progress achieved in the promotion and the protection of the rights of children;

II
Promotion and protection of the rights of the child and non-discrimination against children

Non-discrimination

6. *Reaffirms* paragraphs 11 to 14 of its resolution 68/147, and calls upon States to ensure the enjoyment by all children of all their civil, political, economic, social and cultural rights without discrimination of any kind;

7. *Calls upon* States to develop gender- and age-sensitive policies and capacities to ensure the rights and address the particular needs of children, including migrant children, and prevent and respond to cases of gender-based violence;

8. *Notes with concern* the large number of children belonging to national, ethnic, religious and linguistic minorities, migrant children, refugee or asylum-seeking children, internally displaced children, and children of indigenous origin who are victims of discrimination, including racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views and the child's gender-specific needs, including children with special needs, in education programmes and programmes to combat these practices, and calls upon States to provide special support and to ensure equal access to services for those children;

9. *Urges* all States to respect, protect and promote the right of girls and boys to express themselves freely, and their right to be heard, to ensure that their views are given due weight, in accordance with their age and maturity, in all matters affecting them, and to involve children, including children with special needs, in decision-making processes, taking into account the evolving capacities of children and the importance of involving children's organizations and child-led initiatives;

10. *Recognizes* that discrimination against any child on the basis of disability is a violation of the inherent dignity and worth of the child, and expresses grave concern that children with disabilities face violations of their human rights, as well as discriminatory, attitudinal and environmental barriers to their participation and inclusion in society and in the community;

Registration, family relations, adoption and alternative care

11. *Reaffirms* paragraphs 15 to 19 of its resolution 68/147, and urges all States parties to intensify their efforts to comply with their obligations under the

Convention on the Rights of the Child to protect children in matters relating to birth registration, family relations and adoption or other forms of alternative care;

12. *Encourages* States to consider accession to or ratification of the Hague Convention on the Civil Aspects of International Child Abduction,[35] which takes into consideration the principle of the best interests of the child, and, in cases of international parental or familial child abduction, to engage in bilateral and, when appropriate, multilateral cooperation to resolve those cases by facilitating, inter alia, the return of the child to his or her country of habitual residence, where the appropriate court can make a custody decision, taking into consideration the principle of the best interests of the child;

Economic and social well-being of children

13. *Reaffirms* paragraphs 20 to 29 of its resolution 68/147, calls upon all States and the international community to create an enabling environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field and by implementing their commitments, including the Sustainable Development Goals, and affirms that investment in children has high economic and social returns and that all related efforts to ensure that resources allocated and spent for children, especially on children's education and health, should serve as a means for the fulfilment of the rights of the child;

14. *Emphasizes* the role of international cooperation in support of national and subnational efforts and in raising the capacities, including at the community level, for the fulfilment of the rights of the child, through, inter alia, the enhancement of cooperation with the human rights mechanisms, relevant United Nations agencies, funds and programmes, including through the provision of technical and financial assistance, upon the request of and in accordance with the priorities set by the States concerned;

15. *Calls upon* all States and the international community to cooperate, support and participate in the global efforts towards poverty eradication, by fulfilling their previous commitments, implementing the 2030 Agenda for Sustainable Development[28] and mobilizing all necessary resources and support in that regard, according to national plans and strategies, including through an integrated and multifaceted approach based on the rights and well-being of children;

Child labour

16. *Reaffirms* paragraphs 30 to 33 of its resolution 68/147, and urges States to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour and to end child labour in all its forms, by 2025 at the latest, and to promote education as a key strategy in this regard;

17. *Urges* all States that have not yet done so to consider ratifying both the Worst Forms of Child Labour Convention, 1999 (No. 182),[36] and the Minimum Age Convention, 1973 (No. 138),[37] of the International Labour Organization;

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[35] United Nations, *Treaty Series*, vol. 1343, No. 22514.

[36] Ibid., vol. 2133, No. 37245.

[37] Ibid., vol. 1015, No. 14862.

18. *Recognizes* that poverty and social exclusion, labour mobility, discrimination and lack of adequate social protection and educational opportunity, as well as lack of birth registration, all influence child labour;

Prevention and elimination of violence against children

19. *Reaffirms* paragraphs 34 to 39 of its resolution 68/147 and paragraphs 47 to 62 of its resolution 62/141 of 18 December 2007 on the elimination of violence against children, condemns all forms of violence against children, and urges all States to implement the measures set out in paragraph 34 of its resolution 68/147 and paragraph 3 of its resolution 69/158 and:

(a) To take effective and appropriate legislative and other measures to prohibit, prevent and eliminate all forms of violence against children in all settings, including harmful practices in all situations, and to strengthen international, national and local cooperation and mutual assistance in this regard;

(b) To protect children from all forms of violence, including by exercising due diligence, investigating, prosecuting and punishing the perpetrators of violence against all children and ending impunity, to provide protection as well as universal access to comprehensive social, physical and mental health and legal services and counselling for all victims and survivors, to ensure their full recovery and reintegration into society, and to address the structural and underlying causes of violence against all children through enhanced prevention measures, research and strengthened coordination and monitoring and evaluation;

(c) To address the gender dimension of all forms of violence against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of violence and harmful practices, including female genital mutilation, acknowledging that girls and boys face varying risks from different forms of violence at different ages and in different situations, including in schools;

20. *Also reaffirms* that violence against children is never justifiable and that it is the duty of States to protect children, including those in conflict with the law, from all forms of violence and human rights violations and to exercise due diligence to prohibit, prevent and investigate acts of violence against children, eliminate impunity and provide assistance to the victims, including preventing revictimization;

21. *Recalls* that 2016 marks the tenth anniversary of the submission of the United Nations study on violence against children to the General Assembly,[38] and welcomes the efforts of the Special Representative of the Secretary-General on Violence against Children in mainstreaming the study recommendations in the international, regional and national agenda;

22. *Expresses support* for the work of the Special Representative of the Secretary-General on Violence against Children, and recognizes the progress achieved since the establishment of her mandate in promoting the prevention and elimination of all forms of violence against children in all regions and in advancing

[38] See A/61/299.

the implementation of the recommendations of the United Nations study on violence against children, including through her regional and thematic consultations and field missions and thematic reports addressing emerging concerns;

23. *Urges* all States, requests United Nations entities and agencies and invites regional organizations and civil society, including non-governmental organizations, to cooperate with the Special Representative of the Secretary-General on Violence against Children in promoting the further implementation of the recommendations of the United Nations study on violence against children, encourages States to provide support to the Special Representative, including adequate voluntary financial support for the continued, effective and independent performance of her mandate, and invites organizations, including the private sector, to provide voluntary contributions for that purpose;

24. *Strongly condemns* the abduction of children, and calls upon all States to take all appropriate measures to secure their unconditional release, rehabilitation and reintegration and their reunification with their families or legal guardians, in accordance with the best interests of the child;

25. *Notes with appreciation* the adoption of the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,[20] encourages States to take effective measures for their dissemination and implementation, as appropriate, and invites relevant United Nations actors to support Member States, where appropriate, to this end through concerted efforts;

Promoting and protecting the rights of children, including children in particularly difficult situations

26. *Reaffirms* paragraphs 40 to 48 of its resolution 68/147, and calls upon all States to promote and protect all human rights of all children, to implement evidence-based programmes and measures that provide them with special protection and assistance, including access to health care and inclusive and equitable quality education and social services, to consider implementing voluntary repatriation, reintegration or resettlement where appropriate and feasible, family tracing and family reunification, in particular for children who are unaccompanied, and to ensure that the best interests of the child are a primary consideration;

27. *Calls upon* all States to ensure, for children belonging to minorities and vulnerable groups and children in vulnerable situations, including migrant children and indigenous children, as well as children placed in alternative care and within the juvenile justice system and in detention, the enjoyment of all human rights regardless of migration status and access to health care, social services and education without discrimination and to ensure that all such children, in particular unaccompanied migrant children, those separated from their parents and primary caregivers and those who are victims of violence and exploitation, receive appropriate protection and assistance;

28. *Calls upon* States to ensure that migrant children in need of protection, particularly unaccompanied migrant children and those separated from their parents

[20] Resolution 69/194, annex.

or primary caregivers, are, giving primary consideration at all times to the best interests of the child, referred to the relevant national child protection authorities and other relevant authorities;

Children and the administration of justice

29. *Reaffirms* paragraphs 49 to 57 of its resolution 68/147, and calls upon all States to respect and protect the rights of children alleged to have infringed or recognized as having infringed penal law, as well as children of persons alleged to have infringed or recognized as having infringed penal law;

30. *Encourages* continued regional and cross-regional efforts, the sharing of best practices and the provision of technical assistance in the field of juvenile justice;

31. *Encourages* States to develop and implement a comprehensive juvenile justice policy to protect and address the needs of children in contact with the law, with a view to promoting, inter alia, a commitment to improving the quality of education available to children placed in alternative care and within the juvenile justice system, crime prevention programmes, the use of alternative measures, such as diversion, restorative justice and community-based programmes that focus on the rehabilitation and reintegration of the child, and ensuring compliance with the principle that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

Prevention and eradication of the sale of children, child prostitution and child pornography

32. *Reaffirms* paragraph 58 of its resolution 68/147, and calls upon all States to prevent, criminalize, prosecute and punish all forms of the sale and trafficking of children, including for the purposes of removal of organs of the child for profit, child slavery, forced labour and the sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, with the aim of eradicating those practices and the use of the Internet and other information and communications technologies for these purposes, to combat the existence of a market that encourages such criminal practices and take measures to eliminate the demand that fosters them, as well as to address the rights and needs of victims effectively, including universal access to comprehensive social, physical and mental health and legal services, without discrimination of any kind, and counselling for all victims to ensure their full recovery and reintegration into society, and take effective measures against the criminalization of children who are victims of exploitation;

Children affected by armed conflict

33. *Reaffirms* paragraphs 59 to 70 of its resolution 68/147, condemns in the strongest terms all violations and abuses committed against children in armed conflict, and in this regard urges all States and other parties to armed conflict that are engaged, in contravention of applicable international law, in the recruitment and use of children, in patterns of killing and maiming of children and/or rape and other sexual violence against children, acknowledging that sexual violence in these

situations disproportionately affects girls, but that boys are also targets, in recurrent attacks on schools and/or hospitals and related personnel, and in patterns of abduction of children, as well as in all other violations and abuses against children, to take time-bound and effective measures to end and prevent them, and to encourage age- and gender-specific support services, including sexual and reproductive health-care services, and takes note in this regard of the adoption of Security Council resolution 2225 (2015) of 18 June 2015;

34. *Recalls* that 2016 marks the twentieth anniversary of resolution 51/77, by which the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict was created, welcomes the significant developments and achievements in the protection of children affected by armed conflict and in the implementation of the mandate since its creation, also welcomes the global consensus to end and prevent child recruitment and use in conflict and to protect them from all grave violations, further welcomes the efforts by the Special Representative to raise international awareness on the protection of children affected by armed conflict and the collaboration with the United Nations Children's Fund and other United Nations agencies, funds and programmes and regional organizations to improve the protection of children affected by armed conflict, and takes note with appreciation of the efforts of the Secretary-General and United Nations bodies to implement the monitoring and reporting mechanism on children and armed conflict;

35. *Urges* all States, United Nations agencies, funds and programmes, other relevant international and regional organizations and civil society to give serious attention to, and to protect and assist child victims of, all violations and abuses of human rights and violations of international humanitarian law committed against children in situations of armed conflict, in accordance with international law, including the Geneva Conventions of 1949[40] and the Additional Protocols thereto of 1977;[41]

36. *Calls upon* States to protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law, and to ensure that they receive timely, effective humanitarian assistance, noting the efforts taken to end impunity by ensuring accountability and punishing perpetrators, and calls upon the international community to hold those responsible for violations accountable, inter alia, through the International Criminal Court;

37. *Remains deeply concerned*, however, over the lack of progress on the ground in some situations and the deterioration in other situations where parties to armed conflict continue to violate with impunity the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict;

38. *Expresses its deep concern* about attacks, as well as threats of attacks, in contravention of applicable international law against schools and/or hospitals, and protected persons in relation to them, welcomes the publication of the guidance note on Security Council resolution 1998 (2011) of 12 July 2011 on attacks on schools and hospitals by the Office of the Special Representative of the Secretary-General

[40] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[41] Ibid., vol. 1125, Nos. 17512 and 17513.

for Children and Armed Conflict in collaboration with the United Nations Children's Fund, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, and takes note of the adoption of Security Council resolution 2143 (2014) of 7 March 2014;

39. *Welcomes* in this regard the "Children, not soldiers" campaign initiated by the Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations Children's Fund, in collaboration with other United Nations partners, aimed at ending and preventing, by the end of 2016, the recruitment and use of children by the national security forces concerned, looks forward to continuing efforts in this regard by the States concerned, and requests the Special Representative to report on progress in her next report to the General Assembly;

III
Migrant children

40. *Reaffirms* the New York Declaration for Refugees and Migrants,[42] welcomes the launch of a process of intergovernmental negotiations leading to the adoption of a global compact for safe, orderly and regular migration in 2018, and stresses the centrality of full respect for the human rights of all migrants, including migrant children;

41. *Also reaffirms* its previous resolutions on migrant children and adolescents, on the protection of migrants and on violence against woman migrant workers, the resolutions of the Commission on Human Rights and the Human Rights Council on the protection of the human rights of all migrants and the work of the various special mechanisms of the Council that have reported on the situation of the human rights and fundamental freedoms of migrants, particularly migrant children;

42. *Further reaffirms* that everyone, including all children, is entitled to all human rights and fundamental freedoms, without distinction of any kind, wherever the child is and regardless of his or her migration status;

43. *Reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, including those of women and children, regardless of their migration status, in conformity with the Universal Declaration of Human Rights[1] and the international instruments to which they are party;

44. *Also reaffirms* that States, in accordance with their obligations under international law, are responsible for promoting and protecting the human rights and fundamental freedoms of all migrants, regardless of their migration status, including accompanied and unaccompanied children, including adolescents, within their territorial jurisdiction, and encourages States to promote national child and adolescent protection systems, in consultation with all sectors of society, including migrant communities, civil society organizations and other relevant actors;

[42] Resolution 71/1.

45. *Recognizes* that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses integrating development with due regard for social, economic and environmental dimensions and respecting human rights, and that migrants can make positive and profound contributions to economic and social development in their host societies and to global wealth creation;

46. *Expresses deep concern* regarding the large and growing number of migrant children, particularly those unaccompanied or separated from their parents or primary caregivers, who may be particularly vulnerable along their journey, and reaffirms the obligation of States to respect and protect the human rights and fundamental freedoms of those migrant children, regardless of their migration status, in accordance with States' obligations under international law, including international human rights law;

47. *Recognizes* that the migration of accompanied and unaccompanied children may be the result of diverse causes and factors, such as poverty, lack of social and economic opportunities in their communities of origin, the death of one or both parents, the search for family reunification, all forms of violence and lack of personal safety and/or the adverse effects of climate change, natural disasters or environmental factors;

48. *Takes note* of the report of the Secretary-General entitled "In safety and dignity: addressing large movements of refugees and migrants",[43] including the recognition that respect for the human rights of all those who leave their countries, regardless of their migration status, is a fundamental tenet;

49. *Emphasizes* the importance of protecting persons in vulnerable situations, in particular migrant children, and in this regard:

(a) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the rights of migrants;

(b) Reaffirms that any type of return of migrant children, whether voluntary or otherwise, must be consistent with obligations under international human rights law and in compliance with the principle of non-refoulement;

(c) Reaffirms the commitment to combating racism, racial discrimination, xenophobia and related intolerance and discrimination against all migrants, including migrant children, and the stereotypes often applied to them, calls upon States to take measures to improve their integration and inclusion, as appropriate, with particular reference to access to education, health care, justice and language training with the aim of ensuring their adequate inclusion, as a positive asset to society, and in this regard welcomes the global campaign proposed by the Secretary-General to counter xenophobia;

[43] A/70/59.

50. *Encourages* States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[9] and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

51. *Welcomes* immigration programmes that allow migrant children to integrate fully into host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States that have not yet done so to consider the adoption of these types of programmes;

52. *Encourages* States to take into account the conclusions and recommendations of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration[44] when designing and implementing their migration policies;

53. *Expresses the commitment* to protect the human rights of migrant children and to provide for their health, education and psychosocial development;

54. *Strongly reaffirms* that education is a fundamental human right, a basis for guaranteeing the realization of other human rights and is essential for sustainable development and the promotion of peace and tolerance, as well as key to achieving full employment and poverty eradication, and affirms that quality education provided in safe environments is instrumental in child protection strategies;

55. *Encourages* all States to prevent and eliminate discriminatory policies and legislation at all levels of government that deny migrant children access to an inclusive, equitable and non-discriminatory quality education at all levels, including vocational training, while taking into account the best interests of the child as a primary consideration, to foster the successful integration of migrant children into the education system and the removal of barriers to their education in host countries and countries of origin, facilitating the recognition of educational records and/or administrative requirements for school registration;

56. *Recognizes* that the right of the child to education can be severely hampered as a result of physical, psychological and sexual violence, as well as bullying, both in school and on the way to school, as well as online, which compromises learning outcomes and may lead to school dropout, and therefore calls upon States to prevent and protect children, including migrant children, from bullying, including cyberbullying and other online risks, such as sexual violence and online exploitation, by generating statistical information, promptly and adequately responding to such acts and providing appropriate support and counselling to children affected by and involved in bullying;

57. *Notes with concern* that child, early and forced marriage disproportionally affects girls, including migrant girls, who have received little or no formal education and is itself a significant obstacle to educational opportunities for girls and young women, in particular girls who are forced to drop out of school

[44] A/HRC/15/29.

owing to marriage and/or childbirth, recognizing that educational opportunities are directly related to women's and girls' empowerment, employment and economic opportunities and to their active participation in economic, social and cultural development, governance and decision-making;

58. *Calls upon* States to make primary education available, free and compulsory for all children, ensure free, equitable and quality secondary education and ensure that all girls and boys have access to quality early childhood development, care and pre-primary education;

59. *Calls upon* all States to give full effect to the right to education for all children, including migrant children, by taking all appropriate measures to eliminate obstacles to effectively accessing and completing education, such as the cost of education, hunger and poor nutrition, distance from home to school, the institutionalization of children, armed conflicts, all forms of violence in school, insufficient infrastructure, including lack of access to water and sanitation, the lack of adequate and physically and otherwise accessible schooling facilities for girls and children with disabilities, including access to adequate sanitation, and child labour or heavy domestic work, and to ensure that children who are institutionalized also enjoy the right to education;

60. *Calls upon* States to ensure the enjoyment by all children of all their civil, cultural, economic, political and social rights, without discrimination of any kind and regardless of their migration status, to take effective and appropriate measures to ensure the right of all children to the enjoyment of the highest attainable standard of physical and mental health, as well as access to quality, affordable and equitable health care and social services, without discrimination of any kind, and to ensure that all children, in particular victims of violence and exploitation, receive special protection and assistance;

61. *Calls upon* all States to take all measures necessary to ensure that the rights of the child, including the rights of migrant children, to life, survival and development and to the enjoyment of the highest attainable standard of physical and mental health are promoted, protected and fulfilled, without discrimination of any kind, including through the development and implementation of laws, strategies and policies that have a human rights approach, with appropriate budgeting and resource allocation and adequate investment in resilient and responsive health systems and public health services, with an adequately skilled, well-trained and motivated workforce, ensuring their availability, accessibility, affordability, acceptability and quality;

62. *Encourages* States to take into account the Guidelines for the Alternative Care of Children,[45] and to adopt and enforce laws and to improve the implementation of policies and programmes, budget allocation and human resources to support children, particularly children living in disadvantaged and marginalized families, to ensure that they are cared for effectively by their own families and communities, and to protect children growing up without parents or caregivers; where alternative care is necessary, decision-making should be in the best interests

[45] Resolution 64/142, annex.

of the child, in full consultation with the child, as age appropriate, and with the child's legal guardians;

63. *Notes with concern* that there are many cases of unaccompanied children going missing every year, and encourages States to sufficiently investigate all cases of missing unaccompanied children and take all measures necessary to increase their protection, including by, inter alia, enhancing national capacities to identify, register and document new arrivals;

64. *Recognizes* the particular vulnerability of migrants in transit situations, especially children, including through national borders, and the need to ensure full respect for their human rights in these circumstances also;

65. *Urges* States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including all migrant children, and to take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child, clarity of reception and care arrangements and family reunification;

66. *Encourages* States to put in place, if they have not yet done so, appropriate systems and procedures to ensure that the best interests of the child are a primary consideration in all actions or decisions concerning migrant children, regardless of their migration status, and to use alternatives to the detention of migrant children;

67. *Underlines* that children, including adolescents, should not be subject to arbitrary arrest or detention based solely on their migration status and that the deprivation of the liberty of migrant children and adolescents should be a measure of last resort, under conditions that respect the human rights of each child and in a manner that takes into account, as a primary consideration, the best interests of the child;

68. *Reaffirms* that all individuals who have crossed or are seeking to cross international borders are entitled to due process in the assessment of their legal status, entry and stay, also reaffirms that States will consider reviewing policies that criminalize cross-border movements and will also pursue alternatives to detention while these assessments are under way, and recognizes that detention for the purposes of determining migration status is seldom, if ever, in the best interests of the child and that States will use it only as a measure of last resort, in the least restrictive setting, for the shortest possible period of time, under conditions that respect their human rights and in a manner that takes into account, as a primary consideration, the best interests of the child, and will work towards the ending of this practice;

69. *Encourages* States to develop or enhance early childhood programmes targeted at assisting families facing especially difficult circumstances, including those headed by single parents or children, those living in the most vulnerable and disadvantaged situations and those living in extreme poverty or caring for children with disabilities;

70. *Recognizes* the importance of coordinating efforts among countries of origin, transit and destination, while also recognizing their roles and responsibilities to address the irregular migration of unaccompanied children and to safeguard their

human rights, with due consideration for the protection of the best interests of the child;

71. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to adequately train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with their obligations under international law, including human rights law, and to take timely and appropriate measures to prevent the separation of migrant children from their parents or primary caregivers;

72. *Calls upon* countries of origin, transit and destination to facilitate family reunification as an important objective in order to promote the welfare and the best interests of migrant children, including adolescents, as applicable under national law, due process and the relevant provisions of the Convention on the Rights of the Child and the Optional Protocols thereto, and to comply with the consular notification and access obligations set forth in the Vienna Convention on Consular Relations[46] so that States may provide child-friendly consular assistance, as appropriate, including legal assistance;

73. *Bears in mind* that policies and initiatives on the issue of migration, including those that refer to border control and the orderly management of migration, must be in accordance with international human rights obligations in order to uphold the human rights and fundamental freedoms of all migrant children;

74. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, in particular with regard to the right of all foreign nationals, regardless of their migration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

75. *Calls upon* all States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment, to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance, that they have the right to maintain contact with their family through correspondence and visits from the moment that they are arrested, save in exceptional circumstances, and that no child is sentenced or subject to forced labour or corporal punishment or deprived of access to and provision of health care and services, hygiene and environmental sanitation, education, basic instruction and vocational training, and to undertake prompt investigations of all reported acts of violence and ensure that perpetrators are held accountable;

76. *Reaffirms* the importance of the principle of access to justice, including for migrant children, convinced that, without access to justice, basic human rights cannot be fully realized;

77. *Also reaffirms* that all migrant children are entitled to equal protection by the law and that all persons, regardless of their migration status, are equal before the courts and tribunals and, in the determination of their rights and obligations in a suit

[46] United Nations, *Treaty Series*, vol. 596, No. 8638.

at law, are entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;

78. *Calls upon* States to promote and protect the rights of every child to be registered immediately after birth, to receive a birth certificate, to have a name from birth, to acquire a nationality and, as far as possible, to know and be cared for by his or her parents, in particular where the child would otherwise be stateless;

79. *Urges* States to respect the right of every child, including migrant children, to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference, and, where a child is illegally deprived of some or all of the elements of his or her identity, to provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity;

80. *Expresses its concern* that migrant children, including adolescents, may be exposed to serious human rights violations and abuses at various points in their journey, which can threaten their physical, emotional and psychological well-being, in the countries of origin, transit and destination, and that many irregular migrant children and adolescents may not be aware of their rights and may be exposed to crimes and human rights abuses committed by, inter alia, transnational criminal organizations and common criminals and include theft, kidnapping, extortion, threats, trafficking in persons, forced labour, child labour, sexual abuse and exploitation, physical harm and death;

81. *Recognizes* that women and girls account for almost half of all international migrants at the global level and the need to address the special situation and vulnerability of migrant girls by, inter alia, incorporating a gender perspective into policies and strengthening national laws, institutions and programmes to combat gender-based violence, including trafficking in persons and discrimination against girls;

82. *Expresses its concern* about the increase in the activities and profits of transnational and national organized crime entities and others who profit from crimes against migrants, especially migrant children, without regard for dangerous and inhumane conditions, in flagrant violation of national laws and international law and contrary to international standards;

83. *Also expresses its concern* about the high level of impunity enjoyed by traffickers and their accomplices, as well as other members of organized crime entities, and in this context the denial of rights and justice to migrant children, including adolescents, who have suffered from abuse;

84. *Encourages* States to cooperate effectively in protecting witnesses in cases of the smuggling of migrants, regardless of their migration status;

85. *Calls upon* States to ensure that the best interests of the child are a primary consideration in their legislation, policies and practices, including on integration, return and family reunification;

86. *Underlines* the right of migrant children to return to their country of citizenship in conformity with the principle of the best interests of the child and

with full respect for human rights, and recalls that States must ensure that their returning nationals are duly received;

87. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrant children, and therefore:

(a) Welcomes the consideration afforded to the issues of migration, development and human rights in the 2030 Agenda for Sustainable Development;

(b) Encourages States to strengthen international cooperation to advance the protection of the rights of the child and in particular to promote the participation of children, as appropriate, in multi-stakeholder coalitions such as the Global Partnership to End Violence against Children;

(c) Encourages States to promote the effective implementation of the 2030 Agenda, including the facilitation of safe, orderly and regular migration and mobility of people, including through the implementation of planned and well-managed migration policies;

(d) Expresses serious concern about the situation of vulnerability and risk faced by migrants in transit and destination countries, in particular migrant children, including adolescents, who are unaccompanied or separated from their families, who are forced to flee or decide to leave their homelands owing to multiple causes, and calls upon States of origin, transit and destination to work together to find effective and sustainable solutions, including within a framework of solidarity and regional and international cooperation;

(e) Emphasizes the need for reliable statistical data disaggregated by sex, age and migratory status on international migration, including on migrant children, and in that regard calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrant children in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

(f) Recognizes all efforts made by Governments, all relevant bodies, agencies, funds and programmes of the United Nations system, other relevant intergovernmental, regional and subregional organizations, including the International Organization for Migration and other organizations of the Global Migration Group, and non-governmental stakeholders, including the private sector, in addressing international migration and development for the benefit of both migrants and societies, and bearing this goal in mind emphasizes the need to strengthen partnerships among all relevant stakeholders;

(g) Requests all States, international and national organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the

challenge of unaccompanied children and irregular migration, granting priority to the protection of the human rights of migrants;

IV
Follow-up

88. *Recalls* its resolution 69/157, in which it invited the Secretary-General to commission an in-depth global study on children deprived of liberty, to be funded through voluntary contributions, in this regard encourages Member States and United Nations agencies, funds, programmes and offices, as well as other relevant stakeholders, to support the elaboration of the study, and invites the designated independent expert who will lead the study to update Member States on the progress made and to submit a final report to the General Assembly at its seventy-third session;

89. *Decides*:

(a) To request the Secretary-General to submit to the General Assembly at its seventy-second session a report on the rights of the child containing information on the status of the Convention on the Rights of the Child and the issues addressed in the present resolution, with a focus on violence against children;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in the fulfilment of her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda;

(c) To request the Special Representative of the Secretary-General on Violence against Children to continue to submit annual reports to the General Assembly and the Human Rights Council on the activities undertaken in the fulfilment of her mandate, consistent with paragraphs 58 and 59 of its resolution 62/141, including information on her field visits and on the progress achieved and the challenges remaining on the violence against children agenda;

(d) To request the Special Rapporteur of the Human Rights Council on the sale of children, child prostitution and child pornography to continue to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in the fulfilment of her mandate, including information on her field visits and on the progress achieved and the challenges remaining in the prevention and eradication of the sale of children, child prostitution and child pornography and the sexual exploitation and abuse of children;

(e) To invite the Chair of the Committee on the Rights of the Child to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its seventy-second session as a way to enhance communication between the Assembly and the Committee;

(f) To continue its consideration of the question at its seventy-second session under the item entitled "Promotion and protection of the rights of children", focusing on section III of the resolution entitled "Rights of the child" on the theme "Violence against children".